

Appl. No. : 10/721,475
Filed : November 25, 2003

REMARKS

The Applicant thanks the Examiner for his examination of the present application. By way of summary, Claims 1-27 were pending in this application. In the Office Action, the Examiner rejected Claims 1-27. In particular, the Examiner rejected Claims 1-27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,546,472 to Atkinson et al. ("Atkinson"). In addition, the Examiner rejected Claims 1 and 4 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent U.S. 6,473,856 to Goodwin et al. ("Goodwin") and U.S. Patent No. 6,467,938 to Piwonka et al. ("Piwonka").

Applicant has amended Claim 4. Claims 1-3 and 5-27 remain as originally filed. Thus, Claims 1-27 remain pending.

A. REJECTION OF CLAIM 4 UNDER 35 U.S.C. § 112

The Examiner rejected Claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite for "failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention."

Applicant respectfully traverses and disagrees with the Examiner's rejection. However, to help advance the prosecution of this matter, Applicant has amended Claim 4. Accordingly, Applicant respectfully requests that the rejection of Claim 4 be withdrawn and that Claim 4 be passed to allowance.

B. REJECTION OF CLAIMS 1-27 UNDER 35 U.S.C. § 102

The Examiner rejected Claims 1-27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,546,472 to Atkinson et al. ("Atkinson").

1. Independent Claim 1

With respect to Claim 1, the Examiner argues that Atkinson discloses all of the elements of Claim 1. Applicant respectfully disagrees and traverses the Examiner's rejection. For example, Atkinson does not disclose "a restore program configured to detect a discrepancy between data stored in the short term memory and data stored in the long term memory, and if a discrepancy is detected, to copy data related to the discrepancy from the long term memory in the short term memory."

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Thus, Applicant respectfully submits that Atkinson fails to disclose the claimed subject matter of Claim 1, including each element of Claim 1, and Applicant respectfully requests that the rejection of Claim 1 be withdrawn.

2. Dependent Claims 2-6

Claims 2-6, which depend from independent Claim 1 and include all the limitations of Claim 1, are believed to be patentable for the same reasons stated above with respect to Claim 1 and because of the additional limitations set forth therein. Since Atkinson fails to disclose every element of Claims 2-6, Applicant respectfully requests that the rejection of Claims 2-6 be withdrawn.

3. Independent Claim 7

With respect to Claim 7, the Examiner argues that Atkinson discloses all of the elements of Claim 7. Applicant respectfully disagrees and traverses the Examiner's rejection. For example, Atkinson does not disclose "detecting discrepancies between the data saved in short term memory and the data saved in long term memory" and "if discrepancies are detected, replacing the data saved in short term memory with the data saved in long term memory."

Thus, Applicant respectfully submits that Atkinson fails to disclose the claimed subject matter of Claim 7, including each element of Claim 7, and Applicant respectfully requests that the rejection of Claim 7 be withdrawn.

4. Dependent Claims 8-14

Claims 8-14, which depend from independent Claim 7 and include all the limitations of Claim 7, are believed to be patentable for the same reasons stated above with respect to Claim 7 and because of the additional limitations set forth therein. Since Atkinson fails to disclose every element of Claims 8-14, Applicant respectfully requests that the rejection of Claims 8-14 be withdrawn.

5. Independent Claim 15

With respect to Claim 15, the Examiner argues that Atkinson discloses all of the elements of Claim 15. Applicant respectfully disagrees and traverses the Examiner's rejection. For example, Atkinson does not disclose "receiving a first set of data from volatile memory," "receiving a second set of data from non-volatile memory," and "determining whether the first set of data matches the second set of data."

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Thus, Applicant respectfully submits that Atkinson fails to disclose the claimed subject matter of Claim 15, including each element of Claim 15, and Applicant respectfully requests that the rejection of Claim 15 be withdrawn.

6. Dependent Claims 16-19

Claims 16-19, which depend from independent Claim 15 and include all the limitations of Claim 15, are believed to be patentable for the same reasons stated above with respect to Claim 15 and because of the additional limitations set forth therein. Since Atkinson fails to disclose every element of Claims 16-19, Applicant respectfully requests that the rejection of Claims 16-19 be withdrawn.

7. Independent Claim 20

With respect to Claim 20, the Examiner argues that Atkinson discloses all of the elements of Claim 20. Applicant respectfully disagrees and traverses the Examiner's rejection. For example, Atkinson does not disclose "means for detecting discrepancies between the data saved in short term memory and the data saved in long term memory," and "means for replacing the data saved in short term memory with the data saved in long term memory if discrepancies are detected."

Thus, Applicant respectfully submits that Atkinson fails to disclose the claimed subject matter of Claim 20, including each element of Claim 20, and Applicant respectfully requests that the rejection of Claim 20 be withdrawn.

8. Independent Claim 21

With respect to Claim 21, the Examiner argues that Atkinson discloses all of the elements of Claim 21. Applicant respectfully disagrees and traverses the Examiner's rejection. For example, Atkinson does not disclose "detecting discrepancies between the data saved in short term memory and the data saved in long term memory," and "if discrepancies are detected, replacing the data saved in short term memory with the data saved in long term memory."

Thus, Applicant respectfully submits that Atkinson fails to disclose the claimed subject matter of Claim 21, including each element of Claim 21, and Applicant respectfully requests that the rejection of Claim 21 be withdrawn.

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9. Independent Claim 22

With respect to Claim 22, the Examiner argues that Atkinson discloses all of the elements of Claim 22. Applicant respectfully disagrees and traverses the Examiner's rejection. For example, Atkinson does not disclose "a second module configured to determine a discrepancy exists between data stored in the volatile memory and data stored in the non-volatile memory, and at least partly in response to determining discrepancy exists, to access data related to the discrepancy from the non-volatile memory and to store the accessed data in the volatile memory."

Thus, Applicant respectfully submits that Atkinson fails to disclose the claimed subject matter of Claim 22, including each element of Claim 22, and Applicant respectfully requests that the rejection of Claim 22 be withdrawn.

10. Dependent Claims 23-27

Claims 23-27, which depend from independent Claim 22 and include all the limitations of Claim 22, are believed to be patentable for the same reasons stated above with respect to Claim 22 and because of the additional limitations set forth therein. Since Atkinson fails to disclose every element of Claims 23-27, Applicant respectfully requests that the rejection of Claims 23-27 be withdrawn.

11. Summary

Because Atkinson fails to disclose every element of Claims 1-27, Applicant respectfully requests that the rejection of Claims 1-27 be withdrawn and that Claims 1-27 are passed to allowance.

C. REJECTION OF CLAIMS 1 AND 4 UNDER 35 U.S.C. § 103

The Examiner rejected Claims 1 and 4 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent U.S. 6,473,856 to Goodwin et al. ("Goodwin") and U.S. Patent No. 6,467,938 to Piwonka et al. ("Piwonka").

Applicants respectfully traverse this rejection and the Examiner's characterization of the cited references because Goodwin, alone or in combination with Piwonka, fails to teach or suggest the elements of the claims. See M.P.E.P. § 2143 (stating that in order to establish a *prima facie* case of obviousness for a claim, the prior art references must teach or suggest all the claim limitations). Thus, to sustain the foregoing rejections of Claims 1 and 4, Goodwin alone or

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in combination with Piwonka, must identically teach or suggest every element of Claims 1 and 4, which it does not. For example, Goodwin, alone or in combination with Piwonka, does not disclose "a restore program configured to detect a discrepancy between data stored in the short term memory and data stored in the long term memory, and if a discrepancy is detected, to copy data related to the discrepancy from the long term memory in the short term memory."

Because Goodwin, alone or in combination with Piwonka, fails to disclose every element of Claims 1 and 4, Applicant respectfully requests that the rejection of Claims 1 and 4 be withdrawn and that Claims 1 and 4 are passed to allowance.

D. CONCLUSION

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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